United States Court of Appeals

for the Second Circuit

APPELLANT'S BRIEF

74-2094

SEP 25 1974

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IN THE

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

DOCKET NO. 74-2094

REV. DONALD L. JACKSON

Plaintiff - Appellant,

vs.

UNITED STATES OF AMERICA & STATE OF NEW YORK

Defendants- Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BRIEF ON BEHALF OF PLAINTIFF - APPELLANT,

REV. DONALD L. JACKSON
P. O. BOX 494
BUFFALO, NEW YORK 14205

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P. O. BOX 494
BUFFALO, NEW YORK 14205

TO: Mr. John Elfvin
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A P P E N D I X

STATUTES: PAGE

QUESTION PRESENTED FOR REVIEW:

Appeal from Judge Curtin's decision, not to rule on the Motion to appoint a Three-Judge-Court, to hear the issues in this case. The District Court, does not have jurisdiction to rule on Section 5 matters of the 1965 Voting Rights Act. This decision was rendered August 5, 1974.

Request that United States Court of Appeals, review this case and rule on the issues. Declaring the State of New York defaulted, however review State of New York Motion to dismiss, as well as consider Plaintiff's affidavit in opposition to Defendant, State of New York Motion to dismiss. The Court will find State of New York Motion, has no basis in fact or at law and must be dismiss. That United States of America, has not submitted an answer or moved upon Petitioners complaint and Defendants silence in this lawsuit must be considered that United States of America, has no defense to each and every allegation in Petitioners complaint and these allegations are true. The Court held in Harper v. Kleindienst 742 F. Supp (1973) " The Voting Rights Act requires the Attorney General to perform an independent quasi-judicial function which he cannot relinquished."

STATEMENT OF THE CASE:

1. That provisions of 42 U.S.C 1971, requires that within twenty days after service of the complaint, a request be filed with the Clerk of the Court for a Three-Judge-Court. The request was included in the complaint, as well as a seperate request had been submitted to the Court, prior to making Motion

for appointment of a three-judge court, August 5, 1974.

5 months have passed and still no three-judge-court has been appointed to hear issues in this case. This section requires:

> "IT SHALL BE THE DUTY OF THE JUDGE DESIGNATED PURSUANT TO THIS SECTION TO ASSIGN THE CASE FOR HEARING AT THE EARLIEST PRACTICABLE DATE AND TO CAUSE THE CASE TO BE IN EVERY WAY EXPEDITED."

(UNITED STATES MARSHALL'S RETURNS INDICATES ALL DEFENDANTS WERE SERVED A SUMMONS AND COMPLAINT IN THIS LAWSUIT.)

2. That United States Supreme Court held in the case Connor v. Johnson 420 U. S. 690 (1971) " A decree of a district court is not within the reach of # 5 of the Voting Rights Act of 1965."

3. That the Court of Appeals has jurisdiction, Plaintiff respectfully request that this Court rule on the issues in this case and Grant Plaintiff Motion for Summary Judgment with wages due or 10% reward plus the full amount of damages.

4. That Defendant State of New York, defaulted in that New York State did not answer or Move against Plaintiff's complaint within the time allowed by U. S. District Court for the District of Columbia.

5. That Article #7 of the Appeal - Index, list New York State's Motion to Dismiss; Article # 9 of the Appeal - Index, list New York States Memorandum in support of Motion to dismiss.

6. That Article #10 of the Appeal - Index, list Plaintiff's Affidavit in opposition to Defendant State of New York Motion to Dismiss.

7. That the Court after considering State of New York's Motion to Dismiss and Memorandum, also consider Plaintiff's

Affidavit in opposition, the Court must dismiss Defendant State of New York's Motion.

This lawsuit was filed in United States District Court for The District of Columbia, under the Voting Rights Act of 1965, and other Statues and Constitutional Provisions, demanding the Right to Vote and hold office in Petitioners Judicial Branch of Government, as authorized by United States Constitution.

That Article # 6 Section # 20 of the Constitution of State of New York violates the Equal protection Clause of the 14th Amendment to United States Constitution. New York State, takes away my rights guaranteed by the Federal Constitution to hold office and vote in my Judicial Branch of Government, without Duo Process of the Law.

New York State laws require that Petitioner graduate from a recognize law school, which requires 6 to 7 years at a University. The cost to attend some law schools per year is more than $5,350 for 7 years, the POLL TAX, would be over $35,000. Job and Educational opportunities have not been equal. The additional requirements to be elgible to sit on Petitioners Judicial Branch of Government is be admitted to practice law this discriminates against Petitioner being a poor Black man. Defendants have been negligent for not teaching the basic law starting from the First Grade in school, and providing law library to all members of the community. We find only one law library, located in the County Hall, far from the average citizen reaches. The only qualifications found

in United States Constitution to hold any office is Age and Citizenship, as to Judicial Branch of Government the only qualifications are found in Article III Section I, as being "GOOD BEHAVIOUS."

That the United States Supreme Court held in the case Williams v. Rhodes 393 U. S. 23 (1968)

> "Clearly, the Fifteenth and Nineteenth Amendments were intended to bar the Federal Government and the States from denying the right to vote on grounds of race and sex in presidential elections. And the Twenty - Fourth Amendment clearly and literally bars any State from imposing a POLL TAX on the right to vote 'for electors for President or Vice-President'
>
> Obviously we must reject the notion that Art. II # I, gives the States power to impose burdens on the right to vote, where such burdens are expressly prohibited in other constitutional provisions. We therefore hold that no State can pass a law regulating elections that violates the Fourteenth Amendment's command that 'No State shall ... deny to any person ... the equal protection of the laws."
>
> ... ...
>
> Invidious distinctions cannot be enacted without a violation of the Equal Protection Clause. ... ... In the present situation the State laws place burdens on two different, although overlapping, kinds of rights- the right of individuals to associate for the advancement of political belief, and the right of qualified voters regardless of their political persuasion, to cast their vote effectively. Both of these rights of course, rank among our most precious freedoms. We have repeatedly held that freedom of association is protected by the First Amendment. And of course this freedom protected against federal encroachment by the First Amendment is entitled under the Fourteenth Amendment to the same protection from infringement by the States. Similarly we have said with reference to the right to vote: 'No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined."

That the State of New York forces Plaintiff to pay taxes to support the Judicial Branch of Government, while at the same time deprives Plaintiff representation and the right to Vote and hold office in the JUDICIAL Branch of Government.

The Court held in the case Wigoda vs. Cousins 302 N. E. 2d 614.
(20) "Right of a citizen to vote as a fundamental political right preserative of all rights."

(25) " Elections are 'free and equal' as required under the State Constitution when each vote is equal in its influence on the result as any other vote."

(30) "People of state have a right to rely on a statute and courts have duty to follow terms of a statute."

Presently in New York State all citizens who are not lawyers are second class citizens. This includes Petitioner. 90% OF THE States White population and 98% of the Black population are Second Class citizens, because we have not graduated from a recognized University with a Law Degree, and taken two and half day Bar Examination, and pass the test, and be admitted to practice law, for 5 years for the lower courts and 10 years before being elgible to sit on the New York State Court of Appeals.

42 U. S. C. 1973 " No voting qualification or prerequisite to voting, or standard practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

See U. S. v. County Board of Elections of Monroe County, New York 248 F. Supp 316, appeal dismissed 383 U. S. 575.

See: Gray vs. Main 291 F. Supp 998 (1968)

The United States Supreme Court held in the case of Lubin v. Leonard Panish Registrar Recorder, County of Los Angeles 42 L. W. 4435 March 1974.

Justice Douglas Wrote:

While I join the Court's opinion I wish to add a few words, since in my view this case is clearly controlled by prior decisions applying the Equal protection Clause to Wealth discrimination. Since classifications based on wealth are "traditionally disfavored," Harper v. Virginia Bd of Elections 383 U.S. 663, 668 (1966) the State's inability to show a compelling intrest in conditioning the right to run for office on payment of fees cannot stand Bulloch v. Carter 405 U. S. 134 (1972).

The Court first began looking closely at discrimination against the poor in the criminal area, in Griffin v. Illinois 351 U. S. 12 (1955), we found that de facto denial of appeal rights by an Illinois statute requiring purchase of a transcript denied equal protection to indigent defendants since there 'can be no equal justice where the kind of trial a man gets depends upon the amount of money he has" Id., at 19.
In Douglas vs. California 372 U. S. 353 (1963), we found that the State had drawn" an unconstitutional line ... between rich and poor" when it allowed an appellate court to decide an indigent's case on the merits although no counsel had been appointed to argue his case before the appellate court. Just recently we found that the state could not extend the prison term of an indigent for his failure to pay an assessed fine, since the length of confinement could not under the Equal Protection Clause be made to turn on one's ability to pay.

Williams vs. Illinois 399 U. S. 235 (1970): see Tate v. Short, 401 U. S. 395 (1971). But criminal procedure has not defined the boundaries within which wealth discrimination have been struck down. In Boddie v. Connecticut 401 U. S. 371 (1971) the majority found that the filing fee which denied the poor access to the courts for divorce was a denial of Due Process; Mr. Justice Brennan and I in concurrence preferred to rest the result on equal protection. And it was the Equal Protection Clause the majority relied on in Lindsey v. Normet 405 U. S. 56,79 (1972), in finding that Oregon's double bond requirement for appealing forcible entry and detainer actions discriminated against the poor "For them as a practical matter, appeal is foreclosed, no matter how meritorious their case may be."

Indeed, the Court has scrutinized wealth discrimination in a wide variety of areas. In Shapiro vs. Thompson, 394 U. S. 618 (1969), we found that deterring indigents frommigrating into the State was not a constitutionally permissible State objective. Closer to the case before us here was Turner vs. Fouche 396 U. S. 346,362, 364 (1970), in which the Court

found that Georgia could not constitutionally require ownership of land as a qualification for membership on the Board of Education, See Kramer vs. Union Free School Dist. 395 U. S. 621 (1969); Cipriano vs Houma 395 U.S 701 (1969). In Harper vs.Board of Election, Supra, we found a state poll tax violative of equal protection because of the burden it placed on the poor's exercise of the franchise. And in Bulloch v. Carter 405 U. S. 124 (1972) we invalidated a Texas filing fee system virtually indistinguisable from that present here.
What we do today thus involves no new principle, nor any novel application, "Aman's property status,without more, cannot be used by a state to test, qualify, or limit his rights as a citizen of the United States. Edward v. CAlifornia 314 U. S. 160,184 (1941) (Justice Jackson, concuring). Voting is clearly a fundamental right. Harper vs. Virginia Bd of Elections, supra, at 667, Reynolds v. Sims 377 U.S. 533, 561, 562. But the right to vote would be empty if the State could arbitrarily deny the right to stand for election. California does not satisfy the Equal Protection Clause when it allows the poor to vote but effectively prevents them from voting for oneof their own economic class. Such an election would be a sham, and we have held that the State must show a compelling intrest before they can keep political minorities off the ballot. Williams vs Rhodes 393 U. S. 23,31 (1968). The poor may be treated no differently.

The Court held in Reynolds vs. Sims 377 U. S. 533,562 (1964),

The right to vote is a fundamental right preservative of other

basis rights.

"A state statute that restricts the exercise of such a

fundamental right is invalid under the Equal Protection

Clause, unless it be shown that the burden, imposed is

necessary to promote a compelling state intrest. Dunn, Supra;

Bullock v. Carter, 405 U. S. 134,

The Court held in Educational Equality League v. Tate 472 F. 2d 612 (1973) (3) Under Fourteenth Amendment, all persons, colored or white stand equal before laws of States and Amendment contains necessary implications of positive immunity, or right, most valuable toe colored race,of exemption from legal discrimination 42 U.S.C. 1983; U. S. C. A. Const. Amend. 14.

That the State of New York allows the City of Buffalo, to elect

Judges at Large as wella as the County, for two reasons to dilute the Black voting strength which results in no Blacks being elected other than one of the White desire to designate, the second is to make sure the ruling whites keep a dominate hand over the Blacks to jail any Black who dares to demand his equal rights, by making la sure that Petitioner or any other Black man cannot obtain a fair and impartial trial in the District where the crime was committed.

Zimmer v. McKeithen 42 L. W. 2171 (CA-5) En-Banc 9/12/73 Reversing 41 L. W. 2099, "At-large elections in county, with history of racial discrimination, in which Blacks constitutes only 46 Percent of registered voters, though they comprise 59 percent of total population, unconstitutionally dilutes black voting strength."

To further give the ruling whites assurance of control Article # 6 Section 138 of the New York State Election Law, allows lawyers seeking a Judicial position on the ballot to file their nominating petitions in all recognized political parties, while non-lawyers can only file their nominating petitions in the political party they are a member of, the Court held in United Ossing Party vs. Hayduk 357 f. Supp 962 (1972)

> "Voting Act provisions that if State covered by Act enacts any prerequisite to voting, or standard, practice or procedure with respect to voting different from that in force on November 1, 1968, such law is inoperative, as potentially discriminatory, until it has been approved as required by such provision must be given broadest possible scope to reach any state enantment which alters election law of a covered state in even a minor way. Voting Rights Act of 1965, 5 as amend 42 U.S.C.A 1973."

The common law has been abandoned many years, however to punish anyone that does not go along with the power structure. The State of New York allows the City of Buffalo to pass Ordinances to deprive defendants charged with an offense or crime the right to a jury trial.

The State of New York with the knowledge of United States Department of Justice, because I submitted an affidavit to the Justice Department complaining of Defendants State of New York election procedure and how they used the laws in these cases to get their enimies and to limit Freedom of Speech. The City of Buffalo Housing Ordinance, gives the Court the

right to fine a person up to $1,000 with limit of 15 days in jail. The defendant is barred by law from demanding a jury trial.
A defendant owning a building that cost $500,000 to tear down or $100,000 to fix up, ~~wil~~ they will be Summons to the Housing Court on a criminal chargefor failure to fix up their property many persons owning a house living on fix income doe not have the money to make repairs, still they will be told they are guilty and will fine them $1,000 and frequently sentence them to 30 to 75 days in jail, plusorder the defendants to tearn down their buidding, and if the City goes upon private property and gives the contract to one of their contracting friends, that kicks back to City hall $300. to $500 under the table for the contract the Court will order the defendant to demolite the building even if the cost is $500,000 or will order the defendant to go to City Hall and arrange for payment of tearing down the building. This case is a combination of criminal and civil. The city is using criminal action to collect a civil bill. Petitioner would be entitled to a Jury Trial under provision of the 6th Amendment and under provisions of the 7th Amendment to United States Constitution. See Knoll v. Davidson 42 L. W. 2091 (Sup Ct.) Aug 15, 1974.
See People v. Jones 42 L. W. 2003 6/5/73, "Sixth Amendment bars trial of state defendant by jury drawn from judicial district that excludes judicial district in which crime was committed."

See William v. Florida 399 U. S. 78. See Duncan vs. Louisiana 391 U. S. 145, both cases cover the vicinage and right to a jury trial.

Defendant approved the actions of the City of Buffalo, by continual supplying State and Federal funds to the City. The City passed City Ordinance Chapter XII Section 19.

> RIGHT TO ENTER BUILDING
> THE COMMISSIONER OF PUBLIC WORK OR THE DIRECTOR OF BUILDINGS OR ANY EMPLOYEE OF THE CITY DULY AUTHORIZED BY EITHER OF THEM MAY ENTER ANY PREMISES IN THE CITY OF BUFFALO FOR THE PURPOSE OF EXAMING ITS CONDITION.

I have been very vocal against corruption in City Government, I want to cite a case, but before I do I want to say, if a person fails to pay their Gas or Electric Bill the utilities company can cut off their services, In the City of Buffalo, water bill is a tax and a lien on the property. The City must have a Court Order to cut off water, however the City of Buffalo does upon private property without any Court Order and cuts off the water for non-payment, and frequently they break of the cut off stem which is in the property owners yard, then the City will dispatch the health inspector, to the property owners home give him a summons to appear in Court, and will be fined for not fixing the cut off value that the City broke. This valve must be dug up and the job will cost between $400. and $500.

I calls the Courts attention to Article # 7 of the Appeal Index, Defendant New York States Motion to Dismiss. Attached to the Motion papers is Civil Action No. 1971-478, annexed as Exhibit "A". This suit was a voting rights issue, under the ruling of U. S. Supreme Court in the case Connor vs. Johnson 402 U. S. 690 (1971) "A decree of a district court is not within the reach of # 5 of the Voting Rights Act of 1965".

Judge Curtin did not have authority to dismiss this lawsuit and Order Petitioner to pay the cost of Court.
Article # 7 item, attached Exhibit, Civil Action 1973-386, the Motion for Summary Judgment was argued before Judge Henderson, who died without making a decision in the case, see page 8, starting with paragraph 7 to 10, you will notice the abuse under color of the law that takes place. The trial record of 60 pages was left off of this case by the State of New York, however I submitted the Court the trial record in this case attached to my papers in the file. Paragraph 7 of the Complaint, Plaintiff demands his wages owed to Petitioner by Defendant United States of America for services rendered in the amount of $ 3 billion. It was neglience on the part of Agents, Officers, Servants and their Attorneys, of Defendant United States of America, refusal to enforce the Tax Reform Act, Presidential Order eliminating Racial Discrimination, Civil Rights Acts, Constitutional Provisions and laws of United States against organizations with a Tax Exemption Status from United States Government, that these organizations are controlled by Wealthy White people.
These White people who are wealthy many of them gave large campaign donations to the re-election campaign of former President Richard M. Nixon, such as Mr. Stone, a wealthy white insurance man from Chicago, Ill., gave and lent to the campaign close to $ 7 Million, he has large foundation that is discriminating against Petitioner and other Blacks. Another such person U. S. Army Secretary, Mr. Callaway, gave large donation, he has two foundations in LaGrange, Ga. The U. S. Ambassador to England, gave $250,000, he too has foundation in Pennsylvania, discriminating against Petitioner. Hundreds of wealthy persons, controlling foundations, while holding high positions in United States Government, these wealthy people use their influence in these key positions to prevent any type of investigation of foundations and to keep the foundations in the hand of wealthy white people. See Shapiro v. Thompson 394 U. S.

618 (1969), Turner vs. Fouche 396 U. S. 346 (1970), Jones vs. Mayer Co. 392 U. S. 409 (1968).

8. That in 1971, 14,900 Tax Exempt Foundation exempt under 501 (c) (3) of the I. R. C., were contacted by Petitioner asking that I be employed as a Director or Trustee, funds to invest in minority business, during 1972 and 1973, 6,122 additional foundations or Trust were contacted asking for employment as Director or Trustee and funds for investment in minority business, I was rejected by 99% for the sole reason that I was Black. I found that 95% of the foundations has never had a Black employee in its history, while 45% didn't distribute their income from their investments as required by law, 70% were controlled by the family or corporation that donated the funds. 90% of the foundations have never given a grant to a Black organization, I found only 15 foundations that has invested in minority businesses. I further found less than 1% of foundations annual funds donated goes to Blacks.
United States Internal Revenue Service, Secretary of U. S. Treasury and President Richard M. Nixon, were so notified that United States I. R. S, were giving Tax Exemption Status to foundations and Trust who were practicing racial discrimination. I further asked that these foundations Tax Exemption be revoked or punished, collecting taxes from them since they were discriminating, they would not be entitled to a Tax Exemption status while they were violating Federal law, and I be paid 10% of the amount collected as authorized by 301.7623 of U. S. Treasury Department Rules. The Internal Revenue Service, submitted me the Reward Forms, for me to sign for payment of the 10% reward. There is more than $ 70 Billion in foundations and trust hands. If United States Government had enforced the law, it would have collected from foundations discriminating and other penalties over $30 Billion. Petitioners reward or wages would been over $3 Billion. My survey further indicated 85% of the foundations gave millions of dollars to Hospitals. See Eastern Kentucky Welfare Rights Organization vs. Shultz 42 L. W. 2361.12/20/73.

> " Internal Revenue Service Rev. Rul. 69-545, allowing private nonprofit hospitals to qualify as 'charitable' institutions without requiring them to provide service free or at reduce rate to indigents, represents sweeping policy change that is inconsistent with Congressional intent and is therefore, invalid."

The Tax Reform Act requires 100% penalty for illegal grants. 3077 and 1.503, 3078 of the Tax Reform Act, Denial Exemption for prohibited transactions, members of the family 3078.03 (5) Section 101 of the Act requires 100% penalty.

See Gonzales vs. Fairfax Brewster, Inc 42 L. W. 2077, 7/27/73,

" Private schools policy of refusing to admit blacks solely because of their race violates Civil Rights Act of 1866, 42 U. S. C. 1981, since it denies blacks same right to 'to make and enforce contracts *** as is enjoyed by white citizens."

See Green vs. Kennedy 309 F. Supp 1127 (1970)

(12) " Fifth Amendment due process clause did not permit federal government to act in aid of private racial discrimination in way which would be prohibited to States by Fourteenth Amendment, whether or not it was purpose of federal statute or regulations to foster segegated schools. Civil Rights Act of 1964, #601, 42 U. S. C. A. 2000d U. S.C.A. Const. Amend 5, 14."

See Huey vs. Barloga 277 F. Supp 864 (1967).

(7) Neglect by State officials of their duty to take reasonalbe measures to protect oppressed from intimidation and violence used against them as part of a system of discrimination is, where officials have knowledge ofuse of force by one class of persons against another, tantamount to discrimination by State officials themselves and their neglect thus is "State Action" and is within ambit of Civil Rights Act 42 US.C.A 1985 (3) U. S. C. A. Const. Amend 14.

(25) The Civil Rights Act is directed at the maladministration, neglect and disregard of laws by state and local officials, and has purpose of providing a federal remedy for deprivation of federally guaranteed rights 42 U.S.C.A #1983, 1985.

See Educational Equality League vs. Tate 472 F. 2d 612.

(6) Affirmations of good faith in making individual selections are insufficient to dispel prima facie case of systematic exclusion of Negroes 42 U. S. C. A. 1983.

See Rev. Jackson vs. Statler Foundation 42 L. W. 2538 (CA-5) 4/5/74

Tax-exemption of privste charitable foundation charged with iiscriminatory denial of grant may confer "STATE ACTION" status sufficient to invoke Equal Protection Clause of 14th Amend, and Due Process Clause of Fifth.

See: Bittker and Kaufman, Taxes and Civil Rights, Constitutionalizing, The Internal Revenue Code, 82 Yale L. J 51, (1972).

King vs. Laborers 443 F. 2d 273.

McGlotten vs. Connally 338 F. Supp 448 (1972) (4)

"A black American has standing to challenge a system of support and encourgement of segregated fraternal organization."

(11). The internal Revenue Code does not allow deductions of contributions to organizations which exclude nonwhites from membership 26 U.S.C. (I.R.C 1954) #170 (c) (4) 501 (c) (8) 642 (c) 2055, 2106 (a) 2533; U.S.C.A Const Amend. 1, 14."

That all of the foundations examined were Tax Exempt under 501 C (3) of the I. R. C.
That 100% of the foundations never conducted an election as required by law, Each of the foundations excluded Petitioner from being a candidate, or to make nominations or to vote because Petitioner is poor and black. Foundations illegal policy has created a Class for professional and wealthy white people.

See Kapper v. Pontikes 42 L. W. 4003 (1973), Scheuer 42 L.W. 4543 (1974).
Shelly vs. Kramer 334 U.S 1, Whatley vs Clark 482 F. 2d 1230,

" A state statute that restrict the exercise of right to vote is invalid under the equal protection clause, unless it can be shown that the burden imposed is necessary to promote a compelling state intrest U. S. C. Const Amend 14."

See Yanito vs. Barber 348 F. Supp 587 (1972)

Jennings vs. Davis 476 F. 2d 1271 (1973) Generally, liability for negigence arises only from affirmative action but where one has an affirmative duty to act and he fails to act accordingly, he may be held liable for his nonfeasance if his omission is unreasonable under circumstances.

42 U.S.C. 1973.

See JONES vs. Mayer Co. 392 U. S. 409 (1968)
Harper vs. Kleindienst 362 F. Supp 742
Brandenburg vs. Ohio 395 U. S. 444, NAACP vs. Button 371 U.S 415, Scales vs. U.S. 367 U. S. 203 (1961) , Wasberry vs

Sanders 376 U.S 17 (1964), Poindexter vs. La Education Comm's for Needy Children 258 F. Supp 158 (1968). Falkenstein vs. Department of Revenue 350 F. Supp 887, Terry vs. Adams 345 U. S. 461, Bob Jones University vs. Connally 341 F. Supp 277, Pennsylvania vs. Board of Trustee 353 U. S. 230 (1957), Norwood vs. Harrison 413 U. S. 455 (1973), Pitts Dept of Revenue 333 F. Supp 662 (1971). Bright vs. Insenbarger 314 F. SUPP 1382 (1970). Shakeman vs. Democratic Organization 435 F. 2d 267,

That United States Government gives Oil firms Depletion Allowance of 22%, in some cases this amounts to over $3 billion , See Burton vs. Wilmington 365 U. S. 715, United States Government, become a partner in these oil firms business. The Board of Directors election are limited to stock holders of the firms, which violates the Equal Protection Clause of the 14th Amendment of U. S. Const. These oil firms are allowed to use this vast sum of money given them by United States Government, to bid against Petitioner, when United States Government, refuses to lend or give Petitioner any funds to bid with. This is unlequal treatment of the law. Its a conflict of intrest when oil firms are allowed to bid on Government leases. The facts submsitted herewith, is sufficient to show to this Court that the entire Pwtitioners Motion for Summary Judgment should be granted, including each and every claim for damaged against United States of America in the Amount of $13,252, 250,000. and against State of New York $85, 200,000.

CONCLUSION:

When one is discriminated against his Blood Pressure increases to an dangerous point that effects the kidneys, and results in shortening the life span. How much is one day of life worth, two days, week, month, year. Discrimination also deprives a person from enjoying life as white people. Can we purchase one day of life for $13 Billion or $50 billion, or what price can a life be brought for? The amount of damages requested is reasonable, plus loss in wages and loss in income from the loss in wages. That unless this Court moves with a sledge

hammer against United States of America and the State of New York, racial discrimination will continual to exist. Article 6 Section 20, must be declared un-constitutional as well as Article 6 Section 138, of the New York State Election Law, and that this Court declare that all Judgments rendered by these Judges in Western New York against Petitioner, since this law has been in effect be declared Null and Void and infact all judgment rendered by these Judges elected in the State of New York, be declared Null and Void. Order all Judicial positions be re-elected, with non-lawyers being elgible to vote and hold office in the Judicial branch of Government, and to bar all present siting judges in the State Courts not being elgible to seek a judicial positions the first year, whereas all candidates will be seeking office on an equal basis.

September 19, 1974

Respectfully submitted,

Rev. Donald L. Jackson

Rev. Donald L. Jackson

Rev. Donald L. Jackson
P. O. Box 494
Buffalo, New York 14205
September 23, 1974

Clerk
United States Court of Appeals
For The Second Circuit
United Sates Courthouse
Foley Square
New York, New York 10007

SEP 25 1974

Dear Sir:

This date I certify that two Copies of Plaintiff

Brief Re: Rev. Donald L. Jackson
DOCKET NO. 74-2094
vs.
UNITED STATES OF AMERICA & STATE OF NEW YORK

was served each on James L. Kennedy, Deputy Assistant New York Attorney General. Two copies of the brief was served on Ann M. Ring, in United States Attorneys Office.

I am enclosing a copy of each of their own handwriting acknowledging receipt of the two copies of Appeal Brief.

Respectfully submitted,

Rev. Donald L. Jackson

Receipt is hereby acknowledged
Two copies of brief in the
[illegible] U.S. [illegible] of New York
[illegible] 14-2094

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UNITED STATES ATTORNEY
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